

MINUTES

P & Z COMMISSION HEARING

January 15, 2009

ATTENDANCE P & Z Commissioners

ATTENDED

1. Wendell DeCross
2. Ruth Ann Smith
3. Joel Lawson
4. Rick Slone
5. Bill Rawlings
6. Robert Black, Jr.
7. Evelyn Meadows (Telephonically)

ABSENT

Jason Hatch
Carol Davis
Tom Thomas
Bob Hall

Staff Attendance

Bill Fraley
Linda Elliott
David Swietanski

Trent Larson
Alberto Peshlakai
Peggy Saunders

Meeting held at the Navajo County Board of Supervisors Chambers, Holbrook, Arizona – Time: 6:04 p.m. to 7:49 p.m.

Wendell DeCross called the meeting of the Navajo County Planning & Zoning Commission to order and introduced our two new Commissioners, Mr. Robert Black from District I, and Bill Rawlings from District V. Mr. DeCross explained the meeting procedures to the public, and then led the pledge of Allegiance. The Agenda Items were changed to allow Evelyn Meadows to participate telephonically to maintain a quorum while Commissioner Bill Rawlings excused himself from the meeting for Agenda Item #2, regarding his Tentative Plat Extension.

Item #1 – SPECIAL USE PERMIT: Discussion and possible Commission action on a request by Jerry & Holly Martinson, for a Special Use Permit to develop a 156 unit mini-storage facility on the subject 1.97 acre property known as APN: 212-38-019B, 019D and 021B, located at 920 S. Woodland Road in Township 9 North, Range 22 East, Section 35, SE4 of the Gila and Salt River Meridian, in the Lakeside area. **Linda Elliott** presented the staff report for the Special Use Permit requested by Mr. Jerry Martinson; The Subject Parcel Size is 1.97 Acres. The surrounding area has site built dwellings as well as commercial uses. There are corrals for horses, barns, and tall pine trees in the area. Smokey Mountain Stone is located on the property to the north; (the zoning was changed by Resolution to C-R.) The East side of Woodland Road is in the Pinetop-Lakeside city limits. The Mountain Meadow Recreation Complex is located across the street. The stated reason for the request is to develop a 156 unit mini-storage and open RV storage facility with an office on the subject property. There would be a total of 124-10' x 20' units and 32-10' x 10' units. Ms. Elliott presented a site map and aerial photo of the area and pointed out the location of the subject parcel and the surrounding properties. The Legal Notice for this item was printed in the Holbrook Tribune and placards were posted in the neighborhood in compliance with Arizona Revised Statutes Article 29. The Applicant has submitted the plans and supporting statement as required by Section 2002, Number 1 and are complete and adequate for the Commissioner's purposes. The subject parcel is currently zoned A-General, and the proposed use is one for which a Special Use Permit may be properly granted as per Section 2001, Number 33. The Applicant is part owner of Design West Window and Door, currently under construction, and located in front of the proposed mini-storage. A Special Use Permit for a Welding Shop was granted in 1988 but was not utilized. There was a zone change to C-R on the property to the north, and a Special Use Permit was used for an Auto Repair Shop behind the mini-storage property. The proposed site plan was reviewed by the Pinetop-Lakeside Town Planner, Brian McCabe, who verbally gave his approval, but an email/memo was submitted on January 13th with some additional items he proposed.

County Attorney has no legal issues. Mini-storage is a use that became popular after the adoption of the Zoning Ordinance in 1974. A Special Use Permit for mini-storage is specifically authorized by Section 2001(33). However, it does not appear that mini-storage is an allowed use in any zone except the I-1 and I-2 industrial zones, which allow all types of "warehousing" without specific reference to mini-storage. It might be appropriate to amend the Zoning Ordinance to allow mini-storage in the C-R zone.

Engineering recommends the proposed Special Use Permit, provided all below listed stipulations are addressed and approved by the Public Works Department prior to building permit issuance. All on-site drainage issues which relate and contribute to off-site drainage basins will need to be mitigated prior to building permit issuance. Engineering will require the paving of the site ingress-egress driveway. A site grading plan will need to be approved by the Engineering Division prior to issuance of a building permit.

Reciprocating Ingress and Egress Easements will be required from the adjacent parcel to the North (Design West Window & Door) APN 212-38-019C.

Flood Control said the FEMA map 4738E dated 9/26/08 shows that this property is not in a Floodplain; however this is a flat area of historical ponding. The Flood Control Staff has no objection to the Special Use Permit given that, at a minimum, the design of Woodland Self Storage meets the Drainage Policy adopted by Navajo County in 2007. Specifically the drainage design should insure that post development flow from the development site is not greater than the pre-development flow for the 2, 10, 50, and 100 year flood events.

Planning & Zoning staff has reviewed the application for the Special Use Permit. The proposed Special Use is consistent with numerous uses in the area and will contribute to the continuing need for resident off-site storage. Commercial uses are existent along both sides of Woodland Road. A dirt access road off Woodland Road will be used to access these units, and the Developer will be required to pave the road. Grading and Drainage concerns need to be addressed with Navajo County Engineering staff before building permits are issued. Should the Commission grant this Special Use Permit request, staff recommends the conditions stated below are applied.

Linda Elliott read the email received 1-13-09 into the record from Mr. Brian McCabe, Pinetop-Lakeside Town Planner. *“Thank your for the opportunity to provide comments on the proposed project. Staff has concerns regarding the proposed use since the General Plan calls for Medium Density Residential (1-4du/acre). Within the town, this proposed uses would not be allowed unless the applicant is granted a General Plan amendment (Neighborhood Commercial) and rezoning (C-2). Should Navajo County recommend approval, town staff also has the following comments or questions related to the proposed site plan:*

Comments:

- The design should be consistent with the Town’s Design Guidelines contained in the Pinetop-Lakeside Town Code (17.88.0-60).*
- Outdoor lighting/security – Lighting should have minimal impact on adjacent properties.*
- Is there enough turnaround space at the entrance for people pulling a large Trailer? This situation is worsened if they’re unable to gain entry to the site – how do they turn around?*
- Staff recommends a different name for the project. The use of “Woodland” is discouraged.*
- Remove new zoning of I-1.*

Other Comments:

If re-submittal is required, please forward a copy to our department for review.”

Bill Fraley agreed that Mr. McCabe’s comment regarding the turnaround was a valid point, and has suggested the developer make changes to the entrance to facilitate the turnaround.

Developer: Mike Roberts created the site plan, and said Mr. Martinson was ill and couldn’t make it to the meeting. He said he felt positive that they can make the changes stated by staff, and did not feel the turnaround at the entrance would be a big problem, but they would have to show Staff a revised plan. Regarding the drainage, the Engineer for the Windows and Doors facility is familiar with the area and he is positive they can make it work without flooding out the neighbors.

Comments in Favor: No one from the public came forward in favor of the project

Comments Against: **Clark Halls** lives nearby and pointed out parcels owned by Dr. Reidhead, and others in the area. He said that Dr. Reidhead’s property is in a low area, and drainage comes in and floods the parcel. There is inadequate drainage off Settlers lane and it periodically washes out. Mr. Halls said Jerry Martinson called him to ask if he would be in opposition of the development; and he told Mr. Martinson he would be in favor of a mini-storage facility if it was designed properly and would not create a bigger drainage problem for Dr. Reidhead. The Town of Pinetop-Lakeside acquired 20 acres in trade with Navopache Electric, which is a floodplain and gets boggy. They use the area for overflow parking during festivals. Mr. Halls said he doesn’t have a problem with the mini-storage, but he is adamantly opposed to parking RV’s on the site. It is not suitable and there is not enough negotiating room even for small RV’s. He would be happy to endorse the project if it is restricted to mini-storage only. He understands, as far as fencing is concerned, when commercial abuts residential it should have a masonry fence. He agrees the six foot height is okay, and the mini-storage would be quiet and the best use of property with the caveat that it doesn’t have any recreational vehicle storage of any kind.

Dr. Charles Reidhead owns the adjoining four acre property, and has lived there two years. They bought the property because it felt like it was in the country. Across the street is a park with cars and lights at night, and a granite seller to the east. The granite property and the property to the south have construction yards with chain link fences, and nothing to block the view. The Design West building has already obstructed the view from their house, but their biggest concern is the drainage water that drains on to his property. He had the property Laser Leveled and it has a natural fall that empties through one culvert, so now they have twice as many mosquito ponds. He didn’t know they were going to have additional industrial use in the area. He and his family ride their horses in the field, but if there is a mini-storage next door, he is concerned that the lights would shine right in his back yard. There is already one light in the area that shines into their windows, and on the horses in the yard. Most nights the other property lights are not on, but he is concerned that additional lights will make his property too light at night. He agreed that fencing would probably help if it is made of brick.

Comments by Commissioners: **Wendell DeCross** visited the site and found there were more residential dwellings than commercial property. Mr. DeCross asked if the property owner (where the road is being paved) agreed to an easement. **Dave Swietanski** said he did the engineering reviews and the ingress egress parcel is owned by the Applicant. The paved easement will be deeded and will always be available. They will be required to pave the road from Woodland Road to the new facility. The water detention and flow shows the historical flow is to the north. We required the design people to put in a detention basin that meters flow out to the north.

This has to drain within 36 hours of filling up and requires that the post flow does not exceed the pre flow. Staff hasn't received a drainage report yet, and those requirements would have to be fulfilled prior to the issuance of a permit. The proposed RV/Boat storage would be next to the office, and would only be a few slots of open, not covered storage. **Rick Slone** agreed that a six foot fence should be adequate for a mini-storage facility; but felt the water is a concern. With proper drainage the property shouldn't hold water. A planned development could make existing flooding better, and modern lighting can be directed downward on the sight, but the adjacent ponds should be fixed. Mr. Slone asked if the Applicant would be okay with a 5 year review on this project; that seemed risky to him. **Bill Fraley** explained that there was a change on that item, and it was taken out and changed to "run with the land." Mr. Fraley apologized that the correction wasn't made until the County Attorney pointed it out. The Commissioners agreed that the mini-storage is not a bad use for the property, and by paving the road and dealing with flooding issues, it would help the area. **Mr. DeCross** asked who would be following up on all the conditions applied. **Bill Fraley** answered that staff will do the follow-up to make sure the conditions are met. The location of the turn around was discussed, and possible scenarios were suggested by those present, but **Mike Roberts** said the final decisions for the turnaround and eliminating the other RV storage spaces would be up to Mr. Martinson. **Bill Fraley** said the lighting will be facing down inside the property, and assured Dr. Reidhead that staff will check out the light he mentioned that may be in violation. He also cautioned that the Commission may not want to get into specifying the type of fence, but staff has specified no see through fencing. **Clark Halls** was worried that they had not had a public discussion on the open RV storage, and felt it should be addressed. The open storage was discussed, and the changes that have to be made for the turnaround, would eliminate most of the slots, so the RV storage wouldn't make or break this project. It was noted that **Dr. Reidhead** has irrigation that comes across his property in an underground pipe, so we need to make sure he keeps access to that. **Bill Rawlings** is part of the Woodland Lake Irrigation District, and since Dr. Reidhead owns shares to the irrigation, the developer will have to protect the line or reroute it to keep the access. **Mr. Swietanski** said irrigation was not discussed, and staff would have to add a stipulation for any preexisting condition. **Ruth Ann Smith** asked, what would prevent the property owner from changing the plans for more RV or boat storage etc. Staff answered that the plan calls for 156 storage units and they can't increase that. There is not a lot of room for anything else on the site plan. All the conditions must be met or they can't allow the buildings to be utilized. **Joel Lawson** made a motion to approve the Special Use Permit with the conditions recommended by staff; plus the added conditions that the Special Use Permit will "run with the land"; a condition be added to state that Dr. Reidhead's irrigation will not be interrupted, or interfered with by the drainage design; and the turnaround at the entrance be addressed. **Rick Slone**, suggested we add the extra stipulation or modification, that all this be taken care of and approved by staff before it goes to the Board of Supervisors. **Mr. Lawson** agreed to amend his motion to include that statement. **RECOMMENDED CONDITIONS:** *1. This Special Use Permit shall permit the development of a 156 unit mini-storage facility with office on the subject property. 2. The permitted special use shall be allowed to occur only in the location shown on the approved site plan. 3. Drainage and grading plans for all new site facilities shall be completed and approved by Navajo County Public Works prior to the issuance of a building permit for any of the new structures. 4. Signs are to conform to the Navajo County Zoning Ordinance. 5. Signs must be posted within the facility prohibiting the storage of hazardous and flammable materials. 6. Property must be fenced and screened to a height of 6' to reduce visual impacts to surrounding properties. 7. Security gating and/or on-site management must be provided. 8. Security lighting shall be directed downward. 9. Width between units to be a minimum of 25 feet. 10. Traffic routing signs should be clearly visible. 11. Must meet approval of the Fire District with jurisdiction, regarding widths of roads and other issues before building permits will be issued. 12. A Right of Way Use Permit must be obtained from Navajo County to work in the Woodland Road right of way. 13. Engineering will require paving of the site ingress-egress from edge of pavement to property line. 14. Reciprocating Ingress and Egress Easements will be required to ensure permanent access to the mini-storage property site. 15. The Special Use Permit shall run with the land. 16. No building or structure may be occupied prior to complete compliance with all appropriate Building Department requirements. 17. Construction of this facility must commence within a six (6) month period of time following Board of Supervisors approval. Failure to do so will result in a review by the Board for possible revocation of the Special Use Permit. 18. A 24-hour accessible turn around for large vehicles must be shown on the site plan. 19. The flow of the pre-existing irrigation across the property shall not be discontinued. 20. The site plan shall be approved by staff before the Board of Supervisor's hearing.*

Rick Slone seconded the motion, at which time the motion was unanimously approved. 6-0. **Chairman DeCross** reminded the participants that this body is a recommending body to the Board of Supervisors and the Board will have the final approval. When these items are scheduled to go before the Board of Supervisors, it will be re-advertised and re-posted.

Item #2 – TENTATIVE PLAT EXTENSION: Discussion and possible Commission action on a request by Bill Rawlings, for an 18 month extension of time to prepare the Final Plat for submittal to the Board of Supervisors for approval for Wagon Wheel Village. Property is known as APN: 212-07-025D and 212-07-025J, in Township 9 North, Range 22 East, Section 9 of the Gila and Salt River Meridian, in the Wagon Wheel area. **Bill Rawlings** excused himself from the proceedings for this item, and **Evelyn Meadows** telephonically joined the Commission to complete the quorum.

Planning & Zoning: Bill Fraley presented the staff report and pointed out the project on the site map as well as the location of the major roadways. This Tentative Plat was approved by the Planning Commission on November 16, 2006. Since that approval, a considerable amount of the design work has been completed by the project engineer. However, due to the slowdown of the economy, the developer wishes to delay the process for submittal and his letter requests an 18 month extension of time in presenting the Final Plat to the Board for approval. The Planning and Zoning Department suggests a 24 month extension instead. The sizes of the parcels are quite small from 0.08 to 0.15 acres. The economic downturn has necessitated this request; because there is no market at this time.

County Attorney: Had no comments to offer.

Engineering: The Tentative Plat agrees with the approved Master Plan and concurs with the recommended conditions. The roads will be private and paved. All drainage tracts and roadways are to be maintained by the Home Owners Association. Engineering agrees with the 24 month Tentative Plat extension.

Flood Control: The Tentative Plat, Sheet 2 of 2, indicates the floodplain boundary established by the Wagon Wheel Study, Cella Barr and Associates (CBA) 1995. The CBA study is the community's latest information. Any deviation from the study should be substantiated with appropriate documentation. Lots 10 and 11 are in the floodplain and their Finished Floor Elevation should be annotated on the Final Plat. Flood Control has no objections to the 24 month extension.

Should the Commission choose to approve this request the Public Works Department can support a 24 month extension. All conditions listed below will still apply with the extension.

No one from the public came forward in Favor or in Opposition of this item.

Joel Lawson made a motion to approve the Tentative Plat Extension with the conditions as set forth by Staff. **RECOMMENDED CONDITIONS:** *1. All technical requirements of the Subdivision Regulations and Requirements, Flood Control Ordinance, Building Safety Ordinance and applicable codes shall be adhered to and approved at the proper Tentative Plat, Final Plat or Building Permit and construction phase (to include, without limitation, the Traffic Impact Analysis, Flood Plain Study, Drainage Study, Construction Improvement Plans and Grading Plans). 2. The Final Plat shall indicate the Finished Floor Elevation for Lots 10 and 11. 3. The Home Owners Association shall maintain all drainage tracts and roadways. 4. The Tentative Plat approval is conditional upon applying for a Final Plat approval within a 24-month period from the date of the Tentative Plat approval. If the Final Plat submittal is not in place within this time and if an extension of time is not requested from the Planning & Zoning Commission, the Tentative Plat will expire and become invalid.* **Ruth Ann Smith** seconded the motion, which was unanimously approved, 6 to 0.

Item #3 – Possible approval of the November 20, 2008 Minutes. A motion was made by **Ruth Ann Smith** to approve the minutes as written. **Rick Slone**, seconded the motion. Motion carried.

Item #4 – Commissioners' comments and directions to staff. Commissioners may use this time to offer additional comments regarding any item on this agenda or any other topic; and the Commission may direct Planning & Zoning staff to study or provide additional information on topics of the Commissions' choosing. **Wendell DeCross** thanked staff for the excellent job they do in putting together the meeting materials each month. He asked staff to get an updated copy of the Contact List for the Commissioners. **Mr. DeCross** extended his greeting to Mr. Rawlings and Mr. Black and stressed how important it is when we accept a position; to give it our best and be at the meetings. He understands at times it is not possible, but it would help if you could plan to attend telephonically, as Evelyn Meadows did this evening. We need to let staff know ahead of time so we can hold these meetings. The people bringing items before the Commission have had to wait for weeks and sometimes months. We lucked out tonight because Mr. Black was appointed to the Commission at the Board of Supervisors meeting on January 13, 2009. Mr. DeCross asked Commissioners to please be here if at all possible. **Bill Fraley** pointed out that we have established meetings dates and staff needs to know well in advance if we will have a quorum. We have to advertise two weeks after the P & Z meeting for the next month's meeting and we don't want to pay to advertise if we can't have a meeting. Staff will have more discussions with Mr. Thompson of District I and Mr. DeSpain of District III to appoint another Commissioner and hopefully another alternate from District I. **Bill Fraley** reported that Planning and Zoning had to lay off three people in the department, and as of January 26th, 2009, there will be a new Planning Director, Mr. Greg Loper; Mr. Fraley will step back as a Planner II. **Chairman DeCross** gave the new Commissioners an opportunity to talk about themselves, so the Commissioners could get to know them.

Robert Black: District I Supervisor Jonathan Nez approached him to accept the position as Commissioner, and he looks forward to serving. He feels this is a great opportunity, and a good learning experience. He summarized his activities in Community involvement, the Tribal Chapter, and as a former member of the School Board, he understands the importance of education, and is familiar with the Arizona Revised Statutes and how public meetings are conducted.

Bill Rawlings: Agreed this is a good learning experience and he looks forward to serving. He has been involved in the Lakeside Fire Boards and as a self employed contractor; he is very interested in the growth and development of Navajo County. Mr. Rawlings expressed his thanks to District V Supervisor, Jerry Brownlow for giving him the opportunity to serve on the Commission.

Bill Fraley reported that he and Homero Vela met with Kate Kline of the Forest Service concerning the Heber Youth Camp, and the Forest Service has proposed an alternate access away from the wash. They will hold off going to Board of Supervisors with this item until they have explored that option. The Forest Service will require new environmental impact studies, for the potential easement. The applicant is committed to the project, and will have their engineer look at the environmental impact possibilities so they can move forward. This will eliminate most of the neighbors concerns of going through the wash on Meadow Lane, and the access will be on Rock Ledge Road instead. This will be on a right of way within a platted subdivision. **Joel Lawson** asked how Commissioners could start the process of modifying or amending the Zoning Ordinances to take care of a number of troublesome points, such as mini-storage or cell towers. **Mr. Fraley** said Commissioners would just need to direct staff to start the process by asking staff to research the problem. That is one of the priorities staff has set, to take steps to amend those conflicts with the ordinances such as kennels, stand alone cell towers and any other problem areas. **Wendell DeCross** attended the Boards and Commissions Conference in December which was put on by the State Department of Commerce and encouraged new Commissioners to attend. The conference is usually the first Friday in December at the Black Canyon Conference Center in Phoenix. The Conference is well worth your time and the County

pays for the Registration, the motel, and the per diem for mileage. Joel Lawson made a motion to adjourn, Ruth Ann Smith seconded the motion. The motion was unanimously approved and the meeting was adjourned at 7:39 p.m.

The Commission reserves the right to change the order of any Agenda item.

The Commission reserves the right to adjourn into executive session when needed pursuant to ARS §38-431.03(A) (3) for legal consultation on the above-described agenda items.

Approved this 19th day of February, 2009

Wendell DeCross

Chairman, Navajo County
Planning & Zoning Commission

ATTEST:

Alberto L. Peshlakai

Secretary, Navajo County
Planning & Zoning Department